

701 FEB 23 11 00 AM '06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

US PATENT &amp; TRADEMARK OFFICE

In re Appin. Of:

MARTIN, Stephen L.

US PATENT &amp; TRADEMARK OFFICE

Serial No.: 10/660,447

Filed: September 11, 2003

For: Dynamic bass boost apparatus and method

Group Art Unit: 2644

Examiner: MEI, Xu

DOCKET: BOSACO.1010

Commissioner for Patents

PO BOX 1450

Alexandria, VA 22313-1450

ATTN: Refund Section, Accounting Div., Office of Finance

**REQUEST FOR REFUND**

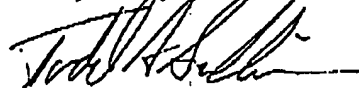
Dear Sir:

This is a request for a refund with respect to the charge of \$ 575.00 to the American Express Account No. shown on the enclosed copy of form PTO-2038 dated July 1, 2005 for the above-identified patent application.

The \$575.00 was paid, in error, with a response to an official action to cover the extension fee. However according to the action mailed February 24, 2005 the Applicant was given no period for reply, therefore, the maximum statutory period of 6 months applied. A copy of page one of the action and the return postcard are enclosed evidencing receipt thereof by the PTO.

Please credit Deposit Account No. 08-1391 in the amount of \$575.00.

Respectfully submitted,



Todd A. Sullivan  
Attorney for Applicant  
Reg. No. 47,117

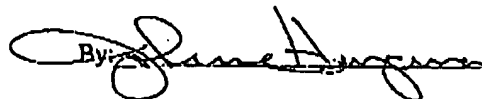
HAYES SOLOWAY P.C.  
130 W. CUTHBERT ST  
TUCSON, AZ 85701  
TEL. 520.882.7623  
FAX 520.882.7643

175 CANAL STREET  
MANHATTEN, NY 10014  
TEL. 212.608.1400  
FAX 212.608.2507

U.S. Serial No. 10/660,447  
Docket: BOSACO.1010

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313.1450 on November 15, 2005 at Manchester, New Hampshire.

By: 

HAYES SOLOWAY LLC  
130 W. CRISPIN ST  
TUCSON, AZ 85701  
TEL. 520 882.7623  
FAX 520 832.7613  
---  
175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX 603.668.8587

## Office Action Summary

Application No.

10/660,447

Applicant(s)

MARTIN ET AL.

Examiner

Xu Mei

Art Unit

2644

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address ~  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any award patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.  
1a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-7, 9-16, 18-33, 35-37, 39-54 and 56 is/are rejected.  
7) ☒ Claim(s) 8, 17, 34, 38 and 55 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(n).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-048)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SI/08) ✓  
Paper No(s)/Mail Date 20050208  
4) ☐ Interview Summary (PTO 413)  
Paper No(s)/Mail Date: \_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-162)  
6) ☐ Other: \_\_\_\_

U.S. Patent and Trademark Office  
PTOL-326 (Rev. 1-04)

Office Action Summary

Part of Paper No./Mail Date 20050210

PAGE 57 \* RCVD AT 2/23/2006 11:35:55 AM [Eastern Standard Time] \* SVR:USPTO-EFXXF-1/19 \* DNS:2736500 \* CSID:603 6688567 \* DURATION (mm:ss):02:34

BEST AVAILABLE COPY

**RESPONSE AND AMENDMENT TOGETHER WITH  
PETITION FOR TWO MONTH EXTENSION**

Appln. of: MARTIN  
Serial No.: 10/660,447  
Filed: September 11, 2003  
For: DYNAMIC BANS BOOST APPARATUS AND METHOD  
Docket: BOSACO.1010

Received: 1. Form PTO-2038 in the sum of \$575  
2. Amendment transmittal letter (1 pg)  
3. Response and Amendment (35 pgs)  
4. Petition for two month Extension of time (1 pg)

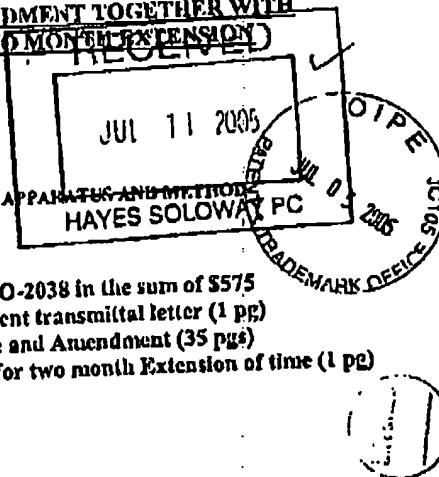
7/1/05 -- jah


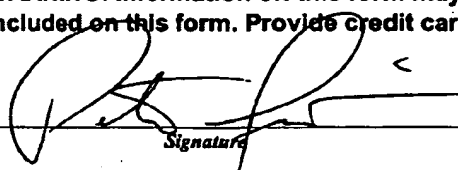
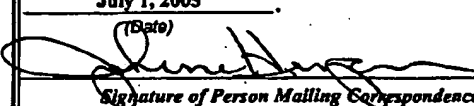
**RESPONSE AND AMENDMENT TOGETHER WITH  
PETITION FOR TWO MONTH EXTENSION**

Appln. of: MARTIN  
Serial No.: 10/660,447  
Filed: September 11, 2003  
For: DYNAMIC BANS BOOST APPARATUS AND METHOD  
Docket: BOSACO.1010

Received: 1. Form PTO-2038 in the sum of \$575  
2. Amendment transmittal letter (1 pg)  
3. Response and Amendment (35 pgs)  
4. Petition for two month Extension of time (1 pg)

7/1/05 -- jah



<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>(Small Entity)</b>				Docket No. <b>Bosaco.1010</b>	
In Re Application Of: <b>MARTIN, et al.</b>					
Application No. <b>10/660,447</b>	Filing Date <b>9/11/02</b>	Examiner <b>MEI, Xu</b>	Customer No. <b>26812</b>	Group Art Unit <b>2644</b>	Confirmation No. <b>4905</b>
Invention: <b>Dynamic Bass Boost Apparatus and Method</b>					
 <p style="margin-top: 20px;"><b>COMMISSIONER FOR PATENTS:</b></p> <p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of <u>February 24, 2005</u> in the above-identified application.</p> <p style="text-align: center;"><small>Date</small></p> <p>The requested extension is as follows (check time period desired):</p> <p> <input type="checkbox"/> One month     <input checked="" type="checkbox"/> Two months     <input type="checkbox"/> Three months     <input type="checkbox"/> Four months     <input type="checkbox"/> Five months </p> <p> from: <u>May 24, 2005</u>                      until: <u>July 24, 2005</u> </p> <p style="text-align: center;"><small>Date    Date</small></p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>The fee for the extension of time is <b>\$225</b> and is to be paid as follows:</p> <p> <input type="checkbox"/> A check in the amount of the fee is enclosed.  <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <b>08-1391</b>  <input checked="" type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. <b>08-1391</b>  <input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. </p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 45%;">  <p style="margin-top: 5px;">Peter A. Nieves, Reg. No. 48,173</p> </div> <div style="width: 45%; text-align: right;"> Dated: <b>July 1, 2005</b> </div> </div>					
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> 07/07/2005 BABRAH1 00000010 10660447  01 PC:2252                      225.00 OP </div> <div style="width: 45%; border: 1px solid black; padding: 5px;"> I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>July 1, 2005</u>.  <small>(Date)</small>    Signature of Person Mailing Correspondence  <b>Johanne Hrycuna</b>  Typed or Printed Name of Person Mailing Correspondence </div> </div>					
Adjustment date: 03/21/2006 SDIRETA1 07/07/2005 BABRAH1 00000010 10660447 01 PC:2252                      -225.00 OP					

P12SMALL/REV03

Refund Ref:  
03/21/2006                      0030030051

Credit Card Refund Total:                      \$225.00  
Am Exp.: XXXXXXXXXXXX3006

**BEST AVAILABLE COPY**

**HAYES SOLOWAY P.C.**175 CANAL STREET  
MANCHESTER, NH 03101  
USA

TELEPHONE: (603) 668-1400

TELEFAX: (603) 668-8567

**FACSIMILE TRANSMITTAL**

To: Atty. Refund Branch Fax No. 571-273-0500  
US Patent Office

From: Johanne Hrycuna DATE: 2/23/06

RE: Serial # 10/660,447

Pages: 7 INCLUDING COVER SHEET

Please contact us at (603) 668-1400 and ask for \_\_\_\_\_  
if there is a problem with this transmission.

**REMARKS:**

Request for Refund - Second Request

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

THE DOCUMENTS ACCOMPANYING THIS TELEFAX TRANSMISSION ARE CONFIDENTIAL, AND LEGALLY PRIVILEGED. THIS INFORMATION IS ONLY INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING OF THIS INFORMATION FOR ANY USE WHATSOEVER IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL FACSIMILE TO US AT THE ABOVE ADDRESS VIA THE POSTAL SERVICE. THANK YOU.



FEB-23-08 THU 12:59 PM HAYES SOLOWAY

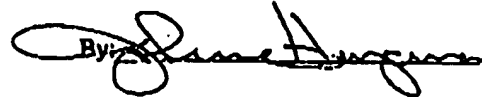
FAX NO. 603 6688567

P. 04

U.S. Serial No. 10/660,447  
Docket: BOSACO.1010

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22113.1450 on November 15, 2005 at Manchester, New Hampshire.

By: 

HAYES SOLOWAY P.C.  
130 W. CUSHING ST.  
LUCSON, AZ 85701  
TEL. 520 882.7623  
FAX 520 832.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX 603.668.8567